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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/820,422

**Applicant(s)**

MALIK, DALE W.

**Examiner**

JOSEPH L. GREENE

**Art Unit**

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)  
Paper No(s)/Mail Date 02/16/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1 – 20 are currently pending in this application.
2. Claims 1-2, 6-10, 12-17, and 20 are currently amended as filed on 02/16/2009.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-13 are rejected under 35 U.S.C. 101 as the claimed invention is directed to non-statutory subject matter.**

5. With respect to claim 1, it is directed towards an account server. The applicant's specification defines an account server as **"The account server 110, application server 140, and application clients 125, 135 of embodiments can be implemented in hardware, software, firmware, or a combination thereof."** Thus, as the system can be completely directed to software, the claims are rejected for being directed towards software per se. Furthermore, claim 10 is a "means for" claim that doesn't particularly point out or define a hardware element. Thus, the means to produce the limitations are directed towards the system of claim 1 and are, therefore, also rejected. Likewise, claims 2-9 and 11-13 are also rejected as being dependent upon claims 1 and 10 (respectively).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 1, 6-7, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolan et al. (Pre-Grant Publication No. US 2004/0133440 A1, as presented in applicant's Information Disclosure Statement dated 01/10/2008), hereinafter Carolan, in view of Tapsell et al. (Pre-Grant Publication No. US 2004/0102992 A1), hereinafter Tapsell.**

8. With respect to claims 1 and 14, Carolan disclosed a system for monitoring guests in a network community 0004, lines 1-7, where the shared information is with guest users), comprising: an account database maintaining a plurality of resident accounts for a plurality of resident users of the network community (0035, lines 1-4, where the divorced parents are the resident users and the dependents are the guest users. Also, the use of databases can be seen in 0079, lines 1-4); the resident user of the resident account being enabled to offer guest invitations to accept and establish a guest account sponsored by the resident user (0045, lines 10-12) and relaying the availability status of the guests to the resident user (0122, lines 31-38). However, Carolan did not explicitly state a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts and the

number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and an account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance.

On the other hand, Tapsell did teach a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts (0044, lines 1-9 and 0039, lines 1-7, where the latter shows that the former is done with respect to an account) and the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled (0044, lines 1-9, where the time slot being filled means that more than one person is attempting to utilize a slot); and an account server updating availability of the guest slots associated with the acceptance of a guest invitation by a guest making the acceptance (0044, lines 1-9, where the time slot being shown as unavailable means that the system was updated). Both the systems of Carolan and Tapsell are directed towards providing online services to guests/visitors and therefore, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to modify the teachings of Carolan, to utilize a distinct number of guest slots, as taught by Tapsell, as an adaptation to limit the amount of people who may join into the system for a plethora of reasons. For example: to control bandwidth usage.

9. As for claim 6, it is rejected on the same basis as claim 1 above. In addition, Carolan disclosed wherein the status of the at least one guest account is updated in the

respective resident account after the status of the at least one guest account has changed 0122, lines 31-38).

10. As for claim 7, it is rejected on the same basis as claim 1 above. In addition, Carolan disclosed wherein a provider of the network community offers a network service to members of the network community, the members comprising resident users and guest users 0035, lines 1-4).

11. As for claim 18, is rejected on the same basis as claim 14 above. In addition, Carolan disclosed providing a network service to members of the network community, the members comprising resident users and guest users (0035, lines 1-4).

**12. Claims 8-9, 16-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolan, in view of Tapsell, in view of Szeto et al (Pre-Grant Publication No US 2003/0140103 A1) hereinafter Szeto.**

13. As for claim 8, The combination of Carolan and Tapsell did not explicitly state wherein: the network community comprises an instant messaging community; and a contact list of the respective resident user is updated with contact information of a user, after a guest invitation is sent from the respective resident user to the user, wherein: the contact information of the user is further updated if the user accepts the guest invitation; the contact information of the user is removed from the contact list if the user declines the guest invitation. However, Szeto did teach wherein: the network community

comprises an instant messaging community; and a contact list of the respective resident user is updated with contact information of a user (Abstract), after a guest invitation is sent from the respective resident user to the user, wherein: the contact information of the user is further updated if the user accepts the guest invitation; the contact information of the user is removed from the contact list if the user declines the guest invitation ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken)

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan and Tapsell to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

14. As for claim 9, The combination of Carolan and Tapsell did not explicitly state a presence server maintaining presence information of members of the network community, wherein the presence server determines the presence information of the at least one guest user from the status of the at least one guest account of the at least one guest user, wherein the presence information includes a particular presence state that indicates that the at least one guest account has not been activated. However, Szeto taught a presence server maintaining presence information of members of the network community ([0048], lines 25-29), wherein the presence server determines the presence information of the at least one guest from the status of the at least one guest account of the at least one guest, wherein the presence information includes a particular presence

state that indicates that the at least one guest account has not been activated ([0048], lines 35-43). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan and Tapsell to utilize a presence server, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

15. As for claim 16, The combination of Carolan and Tapsell did not explicitly state updating the status of the at least one guest account in the respective resident account if a user has accepted a guest invitation from the respective resident user of the respective resident account; and updating the status of the at least one guest account in the respective resident account if the user has declined the guest invitation from the respective resident user. However, Szeto taught updating the status of the at least one guest account in the respective resident account if a user has accepted a guest invitation from the respective resident user of the respective resident account; and updating the status of the at least one guest account in the respective resident account if the user has declined the guest invitation from the respective resident user ([0048], lines 35-43 and [0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan and Tapsell to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.



16. As for claim 17, The combination of Carolan and Tapsell did not explicitly state defining different representations for the status of the at least one guest account; updating the status of the at least one guest account to a first representation if a user has accepted the guest invitation from the respective resident user and the respective resident user does not have a vacant guest slot available for the user; and updating the status information of the at least one guest account to a second representation if the user has accepted a guest invitation from the respective resident user and the user has successfully completed a procedure for setting-up the at least one guest account of the user.

However, Szeto did teach defining different representations for the status of the at least one guest account ([0048], lines 35-43); updating the status of the at least one guest account to a first representation ([0048], lines 35-43) if a user has accepted the guest invitation from the respective resident user and the respective resident user does not have a vacant guest slot available for the user (it is obvious that a status change will occur if the guest user is denied access); and updating the status information of the at least one guest account to a second representation if the user has accepted a guest invitation from the respective resident user and the user has successfully completed a procedure for setting-up the at least guest account of the user ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify The combination of Carolan and Tapsell to adapt the status of a

user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

17. As for claim 19, The combination of Carolan and Tapsell did not explicitly state sending a guest invitation to a user from the respective resident user; updating a contact list of the respective resident user with contact information of the user after the guest invitation is sent from the respective resident user to the user; updating the contact information of the user with additional information provided by the user if the user accepts the guest invitation; and removing the contact information of the user from the contact list if the user declines the guest invitation.

However, Szeto taught sending a guest invitation to a user from the respective resident user (claim 9, line 1); updating a contact list of the respective resident user with contact information of the user after the guest invitation is sent from the respective resident user to the user ([0048], lines 35-43); updating the contact information of the user with additional information provided by the user if the user accepts the guest invitation; and removing the contact information of the user from the contact list if the user declines the guest invitation ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify The combination of Carolan and Tapsell to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

18. As for claim 20, The combination of Carolan and Tapsell did not explicitly state maintaining presence information on members of the network community, and determining presence information of the at least one guest based upon the status information in the guest account of the at least one guest. However, Szeto taught maintaining presence information on members of the network community ([0048], lines 25-29), and determining presence information of the at least one guest based upon the status information in the guest account of the at least one guest ([0048], lines 35-43) It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify The combination of Carolan and Tapsell to adapt the status of a user attempting to connect to another, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

**19. Claims 2-3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolan, in view of Tapsell, in view of Keohane et al (Pre-Grant Publication No US 2005/0216842 A1) hereinafter Keo.**

20. As for claim 2, The combination of Carolan and Tapsell did not explicitly state wherein the guest account information includes a date upon which a guest invitation was sent to a respective guest and an end-date upon which the at least one guest account is scheduled to end. However, Keo taught wherein the guest account information includes a date upon which a guest invitation was sent to the respective

guest and an end-date upon which the at least one guest account is scheduled to end ([0025], lines 1-6 and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify The combination of Carolan and Tapsell in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

21. As for claim 3, it is rejected on the same basis as claim 2 above. In addition, Keo taught wherein the guest account information in the respective resident account is updated to include a modification made to the end-date ([0025], lines 1-6 and [0026], lines 1-5).

22. As for claim 15, the combination of Carolan and Tapsell taught creating the at least one guest account (0035, lines 1-4); adding guest information regarding the at least one guest account to the respective resident account upon the creation of the at least one guest account (0035, lines 14-15), wherein the guest information includes identifying information of the at least one guest account (0122, lines 31-38), wherein the modification is initiated by one of a group comprising the at least one guest associated with the at least one guest account and the respective resident user sponsoring the at least one guest account (0004, lines 1-7). However, The combination of Carolan and Tapsell did not explicitly state wherein the guest information further includes an end-date upon which the at least one guest account is scheduled to end; updating the guest

information to incorporate a modification made to the end-date. On the other hand, Keo did teach such a system ([0025], lines 1-6 and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify The combination of Carolan and Tapsell in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

**23. Claims 4-5 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolan, in view of Tapsell, in view of Keo, and in further view of Szeto.**

24. As for claim 4, it is rejected on the same basis as claim 2. The combination of Carolan, Tapsell, and Keo, however, did not explicitly state wherein: the guest invitation is an email. On the other hand, Szeto did teach such a system ([0008] lines 4-9 and [0028] lines 4-11 and [0015] lines 1-4, where the last reference shows that communication via email is part of the system). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan, Tapsell, and Keo to utilize email invitations, as taught by Szeto, for email was a standard line of communication.

25. As for claim 5, it is rejected on the same basis as claim 2. The combination of Carolan, Tapsell, and Keo, however, did not explicitly state wherein the guest invitation

is an instant message. On the other hand, Szeto did teach such a system ([0008] lines 4-9 and [0028] lines 4-11). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan, Tapsell, and Keo to utilize instant messaging invitations, as taught by Szeto, for instant messaging was in common use at the time of the invention.

26. With respect to claim 10, Carolan taught a system for monitoring guest users of a network community (0004, lines 1-4, where the dependents are the guests), comprising: means for storing a plurality of resident accounts for a plurality of resident users of the network community (0035, lines 1-4, where the divorced parents are the resident users and the dependents are the guest users. Also, the use of databases can be seen in 0079, lines 1-4); means for updating a respective resident account with the status of the at least one guest account (0122, lines 31-38); and means for adding account information concerning the at least one guest account to the respective resident account upon the generation of the at least one guest account (0035, lines 14-15), Carolan also taught wherein a user of the at least one guest account maintains administrative control over the at least one guest account (0035, lines 14-15, where the limited member is the guest; 0045, 11-13, where inviting others to join a community is administrative control) and relaying the availability status of the guests to the resident user (0122, lines 31-38).

However, Carolan did not explicitly state a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest

accounts and the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled; and an account server updating availability of the guest slots associated with the respective resident account upon acceptance of a guest invitation by a guest making the acceptance.

On the other hand, Tapsell did teach a resident account being allocated a limit on a number of guest slots that are available to be filled with guests having guest accounts (0044, lines 1-9 and 0039, lines 1-7, where the latter shows that the former is done with respect to an account) and the number of guest invitations enabled to be offered being greater than the number of guest slots available to be filled (0044, lines 1-9, where the time slot being filled means that more than one person is attempting to utilize a slot); and an account server updating availability of the guest slots associated with the acceptance of a guest invitation by a guest making the acceptance (0044, lines 1-9, where the time slot being shown as unavailable means that the system was updated). Both the systems of Carolan and Tapsell are directed towards providing online services to guests/visitors and therefore, it would have been obvious to a person having ordinary skill in the art, at the time of the invention, to modify the teachings of Carolan, to utilize a distinct number of guest slots, as taught by Tapsell, as an adaptation to limit the amount of people who may join into the system for a plethora of reasons. For example: to control bandwidth usage.

However, Carolan did not explicitly state wherein the account information includes a date and an end-date upon which the at least one guest account is scheduled to end. On the other hand, Keo did teach such a system ([0025], lines 1-6

and [0026], lines 1-5). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Carolan in order to mark the pertinent dates of an invitation, as taught by Keo. Doing so increases the efficiency of the system by not having to keep side notes or reminders.

However, the combination of Carolan and Keo do not teach upon which a guest invitation was sent to a respective guest. However, Szeto did teach such a system ([0048], lines 35-43 and [0028], lines 4-11). It would have been obvious to modify the combination of Carolan and Keo in order to adapt the system to allow a guest user to be invited, as taught by Szeto. Doing so allows the system to function efficiently.

27. As for claim 11, it is rejected on the same basis as claim 10 above. In addition, Szeto taught means for sending a guest invitation to a user from the respective resident user (claim 9, line 1); and means for updating a contact list of the respective resident user with contact information of the user after the guest invitation is sent from the respective resident user to the user. ([0028], lines 4-11, it is obvious that the status of the account will update once a connection is made or broken, further more, a contact list is a standard part of an instant messenger

28. As for claim 12, it is rejected on the same basis as claim 10 above. In addition, Szeto taught means for maintaining presence information of members of the network community ([0048], lines 23-24), wherein the presence information of the at least one guest is determined from the status of the at least guest account of the at least one



guest ([0048], lines 23-24), wherein the presence information of the at least one guest is accessible by the respective resident user sponsoring the at least one guest ([0048], lines 35-43). It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination of Carolan, Tapsell, and Keo to utilize a presence server, as taught by Szeto, in order to accurately and efficiently maintain a standard instant messaging system.

29. As for claim 13, it is rejected on the same basis as claim 10 above. In addition, Szeto taught means for notifying the at least one guest of a current status of the at least one guest account of the at least one guest ([0048], lines 23-24); and means for notifying the respective resident user of the current status of the at least one guest account of the at least one guest sponsored by the respective resident user ([0048] lines 35-43). It would have been obvious to an ordinary person skilled in the art at the time of the invention to modify the combination of Carolan, Tapsell, and Keo in order to alert respective users of the status of other users, as taught by Szeto. This practice was in common use in instant messenger systems at the time.

### ***Response to Arguments***

30. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

31. The applicant argues on page 10 that "***Carolán* describes a community portal that allows a member to arrange a personal community. See para. 0043. "Thus, members are able to invite others (including non-members) to join their personal community. Invited non-members must become global community members, in order to join personal communities." See para. 0045. "Inviting someone to join one's personal community does not itself create a global community account. However, the invited person must have an account in order to join the personal community of any member." See para. 0068. As such, *Carolán* describes that a user has to already be a member of the community portal before the user can join a personal community.**" However, the claimed language does not specify or distinctly define the guest member not being a member of a parent community, and etc. Thus the listed arguments are not reflected in the claimed language. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., not being members of a global community and etc) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH L. GREENE whose telephone number is

(571)270-3730. The examiner can normally be reached on Monday - Thursday from 9:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLG

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451